



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1947 (Patron – Campbell, J.L.)

LD#: 19103234

Date: 12/19/2018

Topic: Threats to bomb or damage

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **Local Adult Correctional Facilities:**
\$13,505 (1 bed)
- **Adult Community Corrections Programs:**
None (\$0)

- **Juvenile Direct Care:**
Cannot be determined *
- **Juvenile Detention Facilities:**
Cannot be determined *

* Provided by the Department of Juvenile Justice

Summary of Proposed Legislation:

Currently, under § 18.2-83, it is unlawful for any person to communicate a threat to bomb, burn, destroy or damage any place of assembly, building, or means of transportation or to communicate false information as to the existence of any danger related to such things. A violation of this section is a Class 5 felony if the offender is 15 years of age or older or a Class 1 misdemeanor if the offender is under the age of 15.

Under the proposal, violation of § 18.2-83 involving a public or private elementary or secondary school would require the court to impose a term of confinement of at least six months, 30 days of which must be a mandatory minimum term of confinement.

Analysis:

Sentencing Guidelines data for fiscal year (FY) 2017 and FY2018 indicate that 123 offenders were convicted of a Class 5 felony for communicating threats or false information in violation of § 18.2-83. For 103 of the 123 offenders, this was the primary, or most serious, offense. Of these, 31.1% received a state-responsible (prison) term with a median sentence of one year. Another 41.7% of the offenders were given a local-responsible (jail) term for which the median sentence was six months. The remaining 27.2% did not receive an active term of incarceration to serve after sentencing.

For violations of § 18.2-83, juveniles under the age of 15 can be adjudicated for a Class 1 misdemeanor. The Sentencing Commission does not have access to data associated with juveniles adjudicated in Juvenile and Domestic Relations Court.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal would require a mandatory minimum sentence of 30 days for any violation of § 18.2-83 involving a public or private elementary or secondary school. A

mandatory minimum sentence of this length is unlikely to increase the increase the future state-responsible (prison) bed space needs of the Commonwealth.

Local adult correctional facilities. The proposal is expected to increase the future need for local-responsible (jail) beds. The impact on jail beds is estimated to be 1 bed by FY2025 (state costs: \$13,505; local costs: \$19,774).

Estimated Six-Year Impact in Local-Responsible (Jail) Beds

FY20	FY21	FY22	FY23	FY24	FY25
1	1	1	1	1	1

Adult community corrections programs. The proposal is not expected to have an impact on state or local community corrections resources in Virginia.

Virginia’s sentencing guidelines. Felony convictions under § 18.2-83 are covered by the sentencing guidelines as the primary, or most serious, offense. No adjustment to the guidelines is necessary under the proposal.

Juvenile direct care. According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal’s impact on the bed space needs of juvenile detention facilities cannot be determined.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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